

A COMPACT  
—OF THE—  
FARM LAWS OF MISSOURI  
—AND—  
MISCELLANEOUS MATTER



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**UNITED STATES OF AMERICA.**





A

**COMPACT**

OF THE

Farm Laws of Missouri

AND

Miscellaneous Matter

BY

ADAM HAUSAM

STEWARTSVILLE, MISSOURI.

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# PREFACE...

In offering this book to the public it is not claimed to be a technical work on law to satisfy a lawyer in his varied practice, but a clear and concise statement of the statute laws of Missouri, pertaining principally to the farm-law. All the statute laws affecting, directly, the farm and what belongs to it, has been carefully gleaned from the Statutes of Missouri, and put in language which can be easily understood. The law has also been brought together in such a compact and convenient form that any one can readily turn to the law-subject desired, while in the Statutes this is not the case, as the language there is technical, and considered practically for the lawyer and for the lawyer to explain and construe, besides for one to become acquainted with the law of Missouri, takes continual practice, which the farmer does not find time to do. The Statutes contain about 3,000 pages, and about 10,000 sections, and the law pertaining to the farm is scattered through the entire Statutes, which is confusing to any one who is not familiar with them. Since the Statutes are so complicated the result is, our farming class do not trouble themselves to become informed even on such law as they positively ought to know. This book, will, if used, many times, save the time to consult a lawyer, and also save paying lawyer fees. In addition to the law, in this little volume, will also be found some miscellaneous matter, which will be helpful to those who stand in need of such information.

ADAM HAUSAM,

Stewartsville, Missouri, April 20, 1900.

## CHAPTER I.

NOTE.—The numbers in parenthesis refer to Sections in the Revised Statutes of Missouri, 1899.

### ALIENS.

SECTION 1. (4762). *Aliens may hold and alienate real estate.*—Aliens are capable of acquiring, and receiving real estate by purchase, by will, or inheritance, and they are capable of holding, selling and willing the same away, and shall have the same liabilities in regard to the same, as if they were citizens. (An alien is a foreigner who has not been naturalized in the United States).

SEC. 2. (4763). *Woman married to an alien may convey real estate.*—Any woman born in the United States and owning real property in this state, who shall marry an alien and live in a foreign country, may at any time convey such real estate which she owns, she may give it by will or sell it.

## CHAPTER II.

### ANIMALS.

SEC. 3. (4767). *Stallions and unaltered mules running at large.*—If any stallion or unaltered male mule over two years old, be found running at large the owner shall be fined, for the first offense three dollars, and for every subsequent offense he may be fined not more than ten dollars; the suit to recover this fine is to be brought before a justice of the peace, and any person may bring suit and receive half of the fine.

SEC. 4. (4768). *Such animals may be castrated.*—Any person may take up such animals which is running at large, and if the same is not claimed within five days, he may castrate the animal in the usual manner, so as to endanger the animal's life as little as possible, for this castrating he shall receive three dollars; this is to be recovered before a justice.

SEC. 5. (4769). *Animal may be killed.*—If any such horse or mule be running at large, and can not be taken up, he may be killed, if notice be first put up at the court-house door and at three other public places in the county for ten days; the notice is to describe the color and the marks and brands on the animal, if there are any, and also that he will be killed unless he is taken away and made secure.

SEC. 6. (4770). *Rams not to run at large.*—No rams are allowed to run at large in this state from the first day of May to the first day of November.

SEC. 7. (4771). *Bulls, rams and boars may be castrated.*—If any bull or ram over one year old, or any boar over three months old, shall be found running at large off the premises or out of the inclosure or control of the owner or keeper, the same may be castrated, if three days' notice be given to the owner or keeper of the animal, the notice is to be signed by three landowners of the township where the animal is running at large, when the animal is castrated it must be done in the usual manner, so as to endanger the life of the animal as little as possible. In case the owner can not be found then it is lawful to castrate it the same as if notice was given.

SEC. 8. (4772). *Dead animal to be removed.*—If the carcass of any dead horse, mule, ox, steer, cow, sheep, hog, goat or other animal be found or brought into any county having a population of one hundred thousand or more

inhabitants, the owner thereof or any one that brought the same into the county shall remove the same within twenty-four hours, during the season between the first day of October and the first day of April, and during the remainder of the year it must be removed within twelve hours. If it is not removed within the time named, then it is the duty of the constable of the township or ward where the carcass is found to sell such carcass to the highest bidder, on condition of immediate removal, at the expense of the owner of the carcass, and in addition, the owner, or whoever brought the carcass into the county, and failed to remove the same within the time named shall be guilty of a misdemeanor and upon conviction he shall be fined in a sum not less than five nor more than twenty dollars for each offense.

SEC. 9. (4774). *Stock with contagious disease.*—No farm stock of any kind whatever such as horses, mules, cattle, hogs, sheep or other domestic animals that are affected with any contagious disease shall be allowed to run at large if the owner knows such stock to be so diseased.

SEC. 10. (4775). *Punishment for allowing such animals to run at large.*—Any person or persons owning or having in charge any stock as mentioned in the above section, and shall allow the same to run at large, shall be guilty of a misdemeanor and when convicted shall be punished by fine or imprisonment in the county jail or both. (See sections 86, 87, 88).

SEC. 11. (1950-4776). *Fraud in registering animals.*—Any person who shall obtain by false pretense, from any club, association, company, or society whose business it is to improve the breed of cattle, horses, sheep, swine or other domestic animals, such person having any of his animals so registered, and any person who will knowingly give a false pedigree of any animal, shall upon conviction be guilty of a misdemeanor.

## CHAPTER III.

## ANIMALS PROHIBITED FROM RUNNING AT LARGE.

SEC. 12. (4777). *Domestic animals not to run at large.* —It shall be unlawful for the owner of any animal, such as horses, mules, cattle, swine, sheep, goats, or geese to permit the same to run at large, in counties and townships where the same have been prohibited from running at large, and if any of the above named animals be found running at large outside of the inclosure of the owner, it shall be lawful for any person to take up the same, and the person taking up the same must give notice in writing within three days, to the owner of such animal, stating his charges for keeping the animal, and also the damages he claims; and thereupon the owner shall pay the person who took up the animal a reasonable amount as damages, and charges for keeping the same, and he shall pay all others who were damaged by reason of such animal running at large. If the owner of such animal be not known or fails to pay for keeping the animal and the damages of same, then the animal may be considered a stray, and be dealt with, under the stray law. (See Chapter 18).

SEC. 13. (4778). *Appraisers to assess damages.* —If the owner of the animal taken up and the person who took up the same can not agree on the charges for keeping and damages of said animal, then either of them may apply to a justice of the peace of the township where the person resides who took up the same, and ask that three appraisers be appointed to assess the damages and charges for keeping the animal, the justice shall then appoint three householders of the township, who

are not interested, to appear and assess the damages and charges for keeping the same.

SEC. 14. (4779). *Appraisers to take oath.*—The persons so notified shall be under oath to assess the damages and charges fairly for keeping the animal, and when the same has been paid, he is entitled to take the animal, if the animal is not then given up to the owner he may bring suit to get possession of it.

SEC. 15. (4780). *Fees by whom paid.*—The justice of the peace shall be allowed a fee of fifty cents for issuing the notice and swearing the appraisers, and the constable or person serving the notice shall be allowed a fee of thirty-five cents for each appraiser notified and three cents per mile as mileage to and from the place of service, and each appraiser shall be allowed a fee of fifty cents; these fees to be paid by the owner of the stock before he can take the stock away; but if the appraisers assess the damages and charge at a less amount than the taker-up had asked, then the taker-up is to pay the above named fees.

SEC. 16. (4781). *Lawful fence not necessary.*—It shall not be necessary for any person to fence against any of the animals named in this and the preceding chapter, and if a person takes up an animal, the owner can not defend himself by saying that the taker-up had no lawful fence, but this does not apply to railroads as they must keep the right of way fenced.

SEC. 17. (4782). *Animals may be driven along the highway.*—Any person may drive stock along the highway, or from one place to another, but the owner is responsible for any damage done by his stock while they are driven along the road.

SEC. 18. (4784). *Prohibiting stock from running at large.*—If one hundred householders of the county shall petition the county court, asking that any or all the animals mentioned in section twelve of this chapter, shall be prohibited from running at large, then the county court shall submit the same to the qualified voters of the county, either at a general election, or a special election called for that purpose, the county court shall publish in a newspaper of the county, notice of the election, for three weeks continuously, and the last insertion must be at least ten days before the day of election, the county court must also post up three printed notices thereof in the three most public places in each of the townships of the county, at least twenty days before said election, the notices shall name the animals on which the vote will be taken, which must be the same as were petitioned for.

SEC. 19. (4788). *Animals restrained in certain townships.*—Whenever five or more townships lying in one body in any county in this state, by a petition of one hundred householders, of which each township must have at least ten petitioners, may petition the county court to have the privilege to vote on prohibiting the running at large horses, mules, cattle, goats, swine and sheep, then the notices and election will proceed the same as if the county had petitioned as stated in section eighteen and if the election is in favor of restraining said animal or animals then the same are prohibited from running at large.

SEC. 20. (4789). *Prohibiting hogs and sheep from running at large.*—Whenever one or more townships lying in one body in the state of Missouri, and joining any river, and when one-half of said township or townships are subject to overflow from the river, then ten householders of said

township or townships may petition the county court for the privilege to vote on the question of prohibiting sheep and swine from running at large. The notice of election and result of same is to be the same as if the county had petitioned.

SEC. 21. (4790). *Adjoining township to vote*.—Whenever any five or more townships in any county in Missouri have adopted the laws governing hogs and sheep from running at large as provided in this chapter, then any one or more townships that have not adopted said laws, and are adjoining the said townships, then the township or townships, by a petition of twenty-five householders of each township may petition the county court for the privilege of voting on the question of prohibiting swine and sheep from running at large.

SEC. 22. (4791). *Swine or sheep taken up—notice to owner*.—If any swine or sheep shall be found running at large, contrary to the law as laid down in this chapter, then it shall be lawful for any person on whose premises the swine or sheep are found, to take up the same, and give notice in writing to the owner, if he is known, the notice shall state that the swine or sheep have been taken up, the amount of damages claimed, and request the owner to take the swine or sheep away, and pay the damages; the owner must also pay the person who took up the animal a reasonable amount for feeding and keeping the same. If the owner fails to do this within three days after he has received notice, or if the owner is unknown then in either case the animal or animals are to be disposed of as provided in the next section.

SEC. 23. (4792). *Proceedings before justice*.—If the owner of any swine or sheep which has been taken up as provided in this chapter, be unknown after three days' diligent inquiry by the person who took up said sheep or swine, or if

the owner who has received notice does not within three days after he has received notice, come and pay the damages and charges for keeping and feeding, and take the same away, then the person who took up the animal shall apply to a justice of the peace of the township and ask that the stock taken up shall be sold according to law: if the justice is satisfied that the taker-up has done his part according to law, then the justice shall order that the said swine or sheep shall be sold by the constable after fifteen days, the constable must give notice of the sale. After paying the costs of the sale, and damages and charges for keeping and feeding said animal, then what money is left shall be paid to the county treasurer, the owner may call for this sum within twelve months, if he does not, then it is to go to the county school fund.

SEC. 24. (2321). *Aged and deformed animals not to run at large.*—If any person who owns or has in his care any animal as enumerated in section twelve, and allows the same to run at large in a county or township that has adopted the provisions of this chapter, and he knowingly and purposely refuses to keep the same from running at large and the animal should be so old or deformed or blind so it could not be sold to pay the costs of sale and damages to any party who might take up the same, then the owner or person who has the keeping of the animal shall be guilty of a misdemeanor, and when he is convicted he shall be punished by a fine of not less than five nor more than twenty dollars, or he may be imprisoned in the county jail for a term of not more than ten days.

## CHAPTER IV.

## PUBLIC HOLIDAYS.

SEC. 25. (461). *The following days are public holidays in this state.*—The first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, any general state election day, Thanksgiving day, and the twenty-fifth day of December. And if any of these holidays fall on Sunday, then the next Monday shall be considered such holiday. If any notes or bills fall due on any of these holidays, then such holiday shall be considered the same as Sunday, and the next day shall be the day for the payment of said note or bill, unless the next day should be a holiday then the day before such holiday shall be the day for the payment of said note or bill.

## CHAPTER V.

## BRIDGES.

SEC. 26. (5200). *Engines moved on road.*—Any person who moves on the public road any threshing engines, cane mills, corn mills, saw mills and steam engines of any kind, when crossing a bridge or culvert must lay down planks not less than one foot wide and three inches in thickness, and the wheels of said machines must pass over the bridge or culvert on the planks, but if any of the machines moved do not weigh more than one ton, then it will not be necessary to lay down the planks.

SEC. 27. (5201). *Engines meeting vehicles.*—All persons owning, controlling, operating, or managing threshing

machines, cane mills, corn mills, saw mills, reaping machines, mowing machines, and steam engines of any kind are required, when moving the same along public highways, on meeting any person or persons on horses, mules or other animals, or in vehicles of any kind, drawn by horses, or mules, or other animals, to shut off steam and come to a halt, at a distance of one hundred yards from the place on the road where the person or persons on horses, mules or other animals, or in vehicles of any kind, are met, and to remain with steam down and halted until said person or persons shall have passed at a distance of one hundred yards from the place of halting.

SEC. 28. (5202). *Penalty for violating this chapter.*—Any person or persons who shall violate the provisions of this chapter, shall be guilty of a misdemeanor, and subject to a fine of not less than five and no more than one hundred dollars.

## CHAPTER VI.

### CATTLE.

SEC. 29. (5223). *Herding cattle.*—It is unlawful for any person not a resident of this state to bring into this state, or for any resident of this state to drive from one county to another or from one range to another, in the same county, any horned cattle, horses, mules, or hogs, on any uninclosed or unimproved lands in this state, and any person so doing or assisting in the same shall be guilty of a violation of the law, and shall pay a fine of one dollar per head for each one grazed and every day such animal is grazed will be a new crime, and subject to a new fine. But this does not apply to a person who owns the land he is grazing, or if it is government land, or if the owner gives his consent in writing to have his land grazed.

## CHAPTER VII.

## DISEASED SOUTHERN CATTLE.

SEC. 30. (5231). *Diseased cattle not to run at large.*—Every person who owns or has cattle under his care, which are diseased or distempered, are not allowed to run at large or be off the land to which they belong; and any cattle which are diseased or distempered with what is commonly known as Texas or Spanish fever, or any other disease that is infectious (catching), such cattle are not allowed to be driven into or through this state, or from one place in this state to another, unless such places are owned by the owner of the cattle driven. And no railroad company or owner of a steamboat or any other company or person, shall bring into this state or transport through it, or from one place in this state to another, any Texas, Mexican, Cherokee or Indian cattle affected with what is commonly known as Texas or Spanish fever, or any other contagious disease, epidemic or pestilence, any person violating this section shall, when convicted, be fined in any sum not to exceed one thousand dollars.

SEC. 31. (5231). *Southern cattle brought into this state.*—Texas, Mexican, Cherokee, or Indian cattle which have not been kept at least one winter as far north as the southern boundary line of Kansas, are not allowed to be driven into or through any county in this state, between the first day of April and the first day of November, unless a bond of one thousand dollars be first given to the county, into or through which such cattle are to be driven, the bond is to be approved by the county clerk, and if there is any damage done by such cattle

spreading any contagious disease, then the person who gave the bond and his bondsmen are liable for the damage, any person who violates this section, shall be fined in a sum not to exceed one thousand dollars.

SEC. 32. (5232). *Damages.*—Any person or persons, or railroad company, or the owner or owners of a steamboat, who violate sections 30 and 31 are liable for all the damages done by disease spread by diseased animals transported or driven in this state, and if any native cattle in the vicinity or along the route of the cattle mentioned in sections 30 and 31 and the said native cattle get a contagious disease, this will be evidence that the said Texas, Mexican, Cherokee or Indian cattle had the contagious disease, and that they spread the disease among the native cattle.

SEC. 33. (5233). *Case to be tried where?*—Suit may be brought for the damages as mentioned in section 32 in the circuit court or justice court.

SEC. 34. (5234). *Diseased cattle to be confined.*—Whenever any animal affected with any contagious disease, is running at large and not confined as required by this chapter, then any person may make application in writing under oath, this application may be made to a judge of either of the following courts: Supreme court, courts of appeal, circuit court, county court, probate court, justice of the peace court. The judge is then to issue an order to the owner of the animal, or to the person who has it in charge, directing him to confine the animal, and if he refuses or fails to confine it, or if he allows it to escape while confined, then any judge of either of the above named courts, shall issue his warrant to the sheriff or any constable of the county, to seize the animal and bring it before him, or securely confine it, and also to bring the person

who allowed the animal to run at large, if the person is known, he may then show if he can why such animal should not be confined or killed.

SEC. 35. (5235). *Diseased animal how disposed of.*—If the owner or keeper of the animal appears before the judge or justice, or should the owner not appear the case would be tried anyway to see if the animal is affected with a contagious disease, and if it is found that the animal has such a disease, then the judge shall order the sheriff or constable to keep the animal confined in some out of the way place until the animal is free from disease, or the judge may order the owner to remove such animal from the state, after the costs and all damages and expenses have been paid by him.

SEC. 36. (5236). *Cost and damages—how recovered.*—All such animals taken up and proceeded with as mentioned in the preceding sections, shall be held for all costs, and all expenses in keeping the animal, and for all damages the animal caused in spreading any contagious disease. And if the damage done is greater than the value of the animal or animals taken up, then the owner is liable for the balance of the damages.

SEC. 37. (5237). *Animal may be killed.*—When the case is tried and it is found that the diseased animal can not be cured, or that the animal is not worth the trouble and cost it would likely take in curing the same, then the judge or justice shall order it to be killed by the officer who has the animal in his care; for the killing the officer is allowed fifty cents per head for each one killed, this is to be paid by the owner, if he can be found, if not then the county must pay it. If the officer fails to kill the animal, he shall pay one dollar for each animal he was ordered to kill and failed to do

so. Then the judge may order that the animal should be sold and the person who buys the animal must confine it, so it will not spread disease among other animals.

SEC. 38. (5238). *Bond given by owner.*—The owner may take the animal from the sheriff or constable, and remove it to his own land, if he first pays all expenses and costs that have accumulated on account of the animal, and also give bond, binding himself to keep the animal confined, and for all expenses and damages that may still occur.

SEC. 39. (5239). *Appraisers appointed.*—When the officer who has the animal in charge is of the opinion that it is safe to remove or dispose of the same, he may so inform the judge, who ordered him to take up the animal, the judge may then appoint three householders of the neighborhood to appraise the damages and loss of all persons on account of any contagious disease the animal caused to spread and also the expenses of keeping the animal. The appraisers are to be under oath, they are to receive one dollar each per day, this is also to be paid by the owner of the animal.

SEC. 40. (5240). *Costs agreed on.*—If, after it is safe to remove the animal, the owner and officer can agree upon the expenses of keeping the animal and all damages, then it will not be necessary to appoint appraisers.

SEC. 41. (5241). *Cattle may be sold.*—After the appraisal has been made, and the judge has received a copy of it, the owner of the animal shall be furnished with a statement of the appraisement, then if he pays all the costs, expenses and damages, he may then take his animal or animals away; but in case he does not pay the amount demanded, or if he is unknown, then the animal or animals may be sold, and the money received is to be taken to pay all costs, expenses and

damages, and if there is any money remaining it shall be paid to the owner, unless he is unknown or refuses to take it, in such a case it is to be paid to the county treasurer, and here the owner of the animal may call for it within one year, if he does not it shall go to the county school fund.

SEC. 42. (5243). *Penalty for violating this chapter.*—Any person who violates *any* provision of this chapter shall be subject to a fine not less than one hundred and no more than five hundred dollars for each offense.

## CHAPTER VIII.

### CONTRACTS AND PROMISES.

SEC. 43. (889). *Joint contracts.*—All contracts where two or more persons bind themselves jointly to do anything, or to pay any note, or bill, such contracts, notes, or bills are considered joint and several; and if one of them fails to perform his part the other is bound to perform it alone.

Now suppose John Doe and Richard Roe gave a joint note with both their names signed to it; if John Doe could not pay his share of it, then Richard Roe would be responsible for the whole note; then if Richard Roe would pay it, he would have the right to sue John Doe for half of the note.

SEC. 44. (890). *Joint debt revives.*—In case that one of the joint obligors of a note, or contract of any kind, dies, his heirs, administrators or executors shall perform his part of the contract.

SEC. 45. (894). *Written contracts must contain what.*—All instruments in writing made and signed by any person or his agent, must show that both parties to the contract are to perform something.

## CHAPTER IX.

## CRIMES AND PUNISHMENTS.

This chapter is an extensive one, and should be studied carefully.

SEC. 46. (1830-1835). If a person has a mischievous animal, and he knows it to be so, and he unlawfully allows it to go at large, or he keeps it in a careless manner, and if the animal should kill any one who tried to avoid it, while it was running at large or kept carelessly, the owner is then guilty of manslaughter in the third degree and when convicted, he shall be put in the penitentiary for a term of not more than three years, or put in the county jail for a term of not less than six months, or by fine not less than five hundred dollars, or he may be both fined to an amount not less than one hundred dollars and imprisoned in the county jail not more than three months.

SEC. 47. (1852). *Poison in food or drink.*—Any person who shall put any poison into any food, drink, or medicine, with the intention of killing or injuring any person, or if he intentionally poison any spring, well or reservoir of water, he shall, when convicted, be punished by imprisonment in the penitentiary not to exceed five years.

SEC. 48. (1862). *Carrying deadly weapon.*—No one is allowed to carry concealed upon or about his person, any deadly or dangerous weapon; also no one is allowed to carry upon or about his person, concealed or otherwise, any deadly weapon while he is in a church or place where people are

assembled for religious worship, or into any school-room or place where people are assembled for educational, literary, or social purposes, or to any election precinct on any election day, or into any court room during the sitting of the court, or into any other public assembly of people for any lawful purpose; this does not apply to police or militia. Also no one is allowed to flourish and exhibit any deadly weapon in a rough, angry, or threatening manner in the presence of one or more persons. Also, when a person is intoxicated he is not allowed to carry any deadly weapon. Also, no one is allowed to sell, trade, give or loan a deadly weapon to any person who is not of age, without the consent of his parent or guardian. Any one who violates any part of this section shall, when convicted, be punished by a fine of not less than fifty and no more than two hundred dollars, or by imprisonment in the county jail not less than five days and no more than six months or by both such fine and imprisonment.

SEC. 49. (1863). *Police and travelers may carry weapons.*—The section above does not apply to police, constables, sheriffs or peace officers, and also to persons who are traveling peaceably through this state.

SEC. 50. (1898 1899). *Grand larceny.*—Every person who shall steal any money, goods, or any personal property, or any dog, the value of which are thirty dollars or more; or shall steal any horse, mule, or cattle, such person shall be guilty of grand larceny, and when convicted, he shall be punished, as follows: For stealing horses or mules, imprisonment in the penitentiary not more than seven years, and for stealing anything else mentioned in this section, he shall be imprisoned in the penitentiary not more than five years.

SEC. 51. (1910). *Petit larceny.*—Every person who

shall steal any personal property under the value of thirty dollars, shall be guilty of petit larceny, and when convicted, shall be punished by imprisonment in the county jail not more than one year, or fined to an amount not more than one hundred dollars, or both such fine and imprisonment.

SEC. 52. (1903). *Brands or marks changed.*—If any person mark or brand, or change any mark or brand on any animal which is mentioned in section 50, which animal belongs to another person, and he does this with the intention of stealing it, or shall kill such animal with the intention of stealing it, he shall be punished in the same manner as if he had stolen such animal.

SEC. 53.,(1951). *Malicious mischief.*—If any person willfully cut, break or in any way injure any saddle, bridle, halter, or harness belonging to another person without his consent, or shall willfully cut, clip, or shave the mane or tail of any animal, or shall willfully remove the tap or nut from the axle of any vehicle, or in any way injure the same, or shall drive or ride away the horse, mule or other animal of another person without his consent, and though he does not intend to keep the same; if any person commits any of these acts, he shall, when convicted, be fined not less than twenty-five nor more than one hundred dollars, or imprisonment in the county jail not more than one year or both such fine and imprisonment.

SEC. 54. (1958). *Injuring property of another.*—If any person shall intentionally injure or destroy any house, barn, or any building, or any part of the same or any land, or any thing attached to the land, or shall leave down a bar, or open a gate and leave the same open. Any person who commits these acts on the property of another person shall, when he is convicted, be punished by imprisonment in the county jail

not more than one year, or by fine not to exceed five hundred dollars, or he may be both fined and imprisoned.

SEC. 55. (1959-1960). *Trees destroyed.*—If any person enters the property of another person, and cuts down, injures, takes away, or interfears in any way with any trees, shrubs, or vines, fruit, vegetables, flowers, grain, grass, or hay, or shall buy, take, or receive the same from any person who has taken them from another, without having a right thereto, any person who commits these acts, on the property of another, shall, when he is convicted, he shall be punished by imprisonment in the county jail not more than one year, or be fined in an amount not to exceed five hundred dollars, or be both fined and imprisoned.

SEC. 56. (1961). *Arrest without warrant.*—If any one steals property of another, or injures the same, as mentioned in section 55 and the owner sees him do such an act he can immediately arrest him without a warrant and take him before the nearest justice of the peace.

SEC. 57. (1962). *Destroying bridges, dams.*—Every person who willfully injures or destroys any bridge, mill-dam, dyke or levee, or any dam to hold water for water-works, shall, when convicted, be punished by imprisonment in the penitentiary for not less than two years nor more than five years.

SEC. 58. (1963). *Land-mark destroyed.*—Every person who shall willfully remove any monument or stone or any other durable material put up for the purpose to show the boundary line of a piece of land or lot, or shall deface or change the marks upon any tree, post or monument used for a boundary, or shall cut down any tree used to mark a boundary line, any person doing this with the intention of destroying such land-mark, shall, when convicted, be punished by impris-

onment in the county jail not more than one year, or fined in an amount not to exceed five hundred dollars or by both fine and imprisonment.

SEC. 59. (1966). *Destroying mile-post guide-board.*—Every person who shall willfully break, destroy, or remove any mile-post, mile-stone, or any other guide board erected by order of the law, or shall change any inscription on such guide-post, guide-board, or shall plow up or tear up any public road, without the order of the road overseer, unless a person plows for the purpose of planting a hedge, otherwise, he shall, when convicted, be punished by imprisonment in the county jail not more than one year, or fined not to exceed five hundred dollars, or both such fine and imprisonment.

SEC. 60. (1969-1970). *Timber, cutting or destroying.*—Any person who shall unlawfully enter the premises of another person, and cut, destroy, or carry off any timber or lumber, which belongs to another, and the value of the same is thirty dollars or more, such person, when convicted shall be punished by imprisonment in the penitentiary for a period of not less than two years, or by imprisonment in the county jail not less than six months, or by fine of not less than three hundred dollars.

SEC. 61. (1972). *Timber valued at less than thirty dollars.*—If the timber so cut down, destroyed, or carried away, as stated in section 60, is valued at less than thirty dollars, the person committing such wrong shall, when convicted, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

SEC. 62. (1974). *School and church buildings injured.*—The law affecting this section is quite severe and, no doubt,

should; it is as follows: No one is allowed to injure or destroy or cut, mark, or disfigure any school house, church house, or any building used for educational or religious purposes, or any furniture that belongs to such house, nor is any one allowed to go on the land of such house and remove the water used to supply such house, unless he has written permission to remove such water, also no one is allowed to pollute such water, any one committing any such wrong shall, when convicted be punished by imprisonment in the county jail not to exceed one year, or by fine not to exceed five hundred dollars, or he may be both fined and imprisoned.

SEC. 63. (1980). *Woods set on fire.*—If any person shall willfully set fire to any woods, marsh, or prairie not his own, or if he shall carelessly set or leave fire on land which is not his own, such a person may be punished by imprisonment in the county jail not to exceed one year, or he may be fined in an amount not to exceed five hundred dollars.

SEC. 64. (1986). *Poisoning cattle.*—Any person who willfully gives any poison to any cattle, or shall expose any poison with the intention that it should be eaten by any cattle, such person, when convicted, shall be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not less than six months, or by fine not less than two hundred and fifty dollars, or by both a fine of not less than one hundred dollars and imprisonment in the county jail not less than three months. [According to this section a person is not allowed to poison his own cattle. But we think the meaning is that no one is allowed to poison another person's cattle, for certainly if a person had an animal that he wished killed he could do the killing by poison if he did it in a humane way, so as to cause the animal little suffering].

SEC. 65. (1987). *Animals killed or wounded.*—Every person who shall willfully kill, wound, or injure any horse, mare, colt, mule, or cattle belonging to another person, such person shall, when convicted, be punished by imprisonment in the penitentiary not to exceed three years, or by imprisonment in the county jail not less than six months, or by a fine not less than fifty dollars, or by both such fine and imprisonment.

SEC. 66. (1988). *Animal cruelly injured.*—Every person who shall willfully and cruelly beat, wound, or torture any horse, ox, or cattle, whether it belongs to himself or to another person, he shall, when convicted, be punished by imprisonment in the county jail not to exceed one year, or be fined in a sum not to exceed five hundred dollars, or both such fine and imprisonment.

SEC. 67. (2155). *Interfering with employment.*—If a person is lawfully employed to work for another person, and a third person tries by force or threats to get such person to stop working, or if he is about to be employed to work for another and a third person gets the laborer to abandon such work, by force or threats, such a person is guilty of a misdemeanor and, when convicted, he shall be punished by a fine of not less than fifty dollars, or imprisonment in the county jail not less than three months, or by both fine and imprisonment.

SEC. 68. (2159). *Disturbing the peace.*—If any person shall willfully disturb the peace of any neighborhood, or disturb the peace of any family, or person, by loud and unusual noise, loud and offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, every person so doing, shall, when convicted, be punished by impris-

onment in the county jail not to exceed one year, or by fine not to exceed five hundred dollars, or both such fine and imprisonment.

SEC. 69. (2160). *Disturbing religious meetings.*—If any person intentionally and willfully disturb any camp meeting, or any meeting for religious purposes, or any school, or any other lawful meeting whatever, by making a noise, or by rude or indecent behavior, or profane talking or conversation in the place of meeting, or so near thereby as to disturb the order or solemnity thereof, or shall threaten or assault any person at such meeting, such person shall, when convicted, be punished by imprisonment in the county jail not more than one year, or fined in an amount not to exceed five hundred dollars, or both fine and imprisonment.

SEC. 70. (2161). *Selling liquor near religicus gathering.*—Every person who shall erect or keep a booth, tent, stall, or other contrivance for the purpose of selling or otherwise disposing of any spirituous drinks, and the same is within one mile of any camp or field meeting for religious purpose; such person, when convicted, shall be punished as mentioned in Section 69.

SEC. 71. (2162-2163). *Running horses on public road.*—If any person run or cause to run, a horse, on any public road, in such a manner as to interrupt travelers, or frighten any animal that is ridden or driven along the same place; or if two or more persons run a horse-race to match their horses on an public road, such person, when convicted, shall be punished by a fine of not less than five and no more than twenty-five dollars.

SEC. 72. (2164). *Shooting on public road.*—Every person who shall shoot at a mark, or any other object, or shall

shoot at random, along or across a public road, such a person, when convicted, shall be fined twenty-five dollars.

SEC. 73. (2211). *Betting on election.* If any person shall bet money or any other thing that has value, on the result of any election, or if any person becomes stake-holder of such bet, such persons shall, when convicted be punished by fine not to exceed fifty dollars.

SEC. 74. (2234). *Putting dead animal in well.*—If any person put any dead animal or any part thereof, or any filth of any kind into any well, spring, brook, branch, creek, pond, or lake, such person, when convicted, shall be fined in any sum not less than ten nor more than one thousand dollars. If any person places any dead animal or other filth in or near a public road or upon premises not his own, or into any stream or water course other than the Mississippi or Missouri rivers, such person shall, when convicted, be fined for each offense, any sum not less than ten nor more than fifty dollars, and if he does not remove such nuisance within three days thereafter, he may be fined the same as for placing it there.

SEC. 75. (2235). *Poisoning wells.*—Whoever willfully and maliciously poisons or corrupts the water of any well, spring, brook or reservoir, whether used for private or public purposes, or whoever willfully and maliciously changes the course, or dams up any spring or brook or other water supply, so as to interfere with another person or the public, who had been using the same, such person, when convicted, shall be punished by a fine not to be less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not more than one year or both such fine and imprisonment, and he is also liable to the person or public who is injured thereby to three times the damage done.

SEC. 76. (2236). *Slaughter house*.—If any person owns or occupies a slaughter house, and allows it or the lot on which it stands to become filthy or unclean between April the first and October the first, if it is an annoyance to a citizen of this state, he shall, when convicted, be fined not less than five nor more than fifty dollars, and if he then does not remove such nuisance within five days, he then commits a second wrong, and so on every five days will be considered a new wrong.

SEC. 77. (2240). *Sabbath breaking*.—Every person who works on Sunday or compels his servant or any one under his control, to work on Sunday, that is, other work than household duties, or other necessary work, or work of charity, or who shall hunt game or shoot on Sunday, such person shall be fined in an amount not more than fifty dollars.

SEC. 78. (2241). *Sunday working*.—Section 77 does not apply to a person whose religion establishes another day for the Sabbath, provided he observes his Sabbath. Nor does it prohibit a ferryman from crossing passengers.

SEC. 79. (2298). *Mistreatment of animals*.—If any person shall cruelly torture, torment, or deprive of necessary food or drink, shelter and protection from the weather, or cruelly beat, kill or over-drive any domestic animal, or work it when it is sick and unfit to work, or cruelly leave it to die, or haul or drag it in a cruel and inhuman manner, he shall be punished by imprisonment in the county jail not more than one year, or by fine not to exceed one thousand dollars, or by both such fine and imprisonment.

SEC. 80. (2301). *Trapping*.—No one is allowed to catch or kill or attempt to catch or kill with steel traps, traps or pits or any other such device, any mink, otter, beaver, or

musk-rat, between the first day of April and November, unless he does it to protect his premises from being damaged by such animal; any one violating this section shall be punished the same as mentioned in section 79.

SEC. 81. (2302). *Hunting.*—If any one hunts game on the premises of another person without the consent of the owner, he shall, when the owner makes complaint, be fined not to exceed ten dollars

SEC. 82. (2305). *Game and fish protected.*—It is unlawful to kill any deer in this state under one year old. It is also unlawful to kill any deer of any age between the first day of January and the first day of October. It is also unlawful to kill any female deer within five years from March 24, 1897. It is also unlawful to kill any wild song bird or birds that destroy insects, or to destroy their nests or rob them of their eggs. It is also unlawful to kill any wild turkey, prairie-chicken, pheasant, partridge or quail, between the first day of January and the first day of November of each year. It is also unlawful to kill any woodcock, turtle dove, meadow lark or plover between the first day of January and the first day of August of each year. It is also unlawful to catch or injure by means of nets, traps, pens, pits or any such device any of the game mentioned above, at any time of the year. It is also unlawful to kill any wild duck between the first day of April and the first day of October. It is also unlawful to trap or kill with any explosives any wild duck or goose, or to kill by explosives between sun-set and sun-rise, but any person may trap or net wild geese or ducks on his own premises for his own use. It is also unlawful to catch fish by placing in the stream or at the mouth of any stream of this state any seine, net, gill-net, trammel-net, wing-net, bag-weir, brush-drag, fish-

trap or fish-dam, or any such devise, unless such water is all on one person's property as a pond, lake, or short slough, then the owner may use any method he wishes to catch his fish, also a person may use a minnow seine to catch minnows for bait, or to put into some other waters to stock it with fish; but if a stream flows through a person's land or borders on it, he may seine fish in it if the meshes of the seine are not smaller than two inches in size, and in such case he cannot seine for more than two hours in each day. Any one who commits any wrong against this section shall be fined in a sum not less than ten nor more than fifty dollars.

SEC. 83. (2309). *Quail and prairie-chicken may be netted.*—A person may net or trap quail or prairie-chickens on his own premises for his own family use, but this may only be done between the fifteenth day of October and the first day of February, also a person may destroy the eggs of such birds as owls, hawks, eagles, or any bird of prey, also a person may kill any bird for the purpose of studying its habits, also they may be killed to be stuffed or set up as specimens, also a person may kill any birds on his own premises if they are destroying his fruit or bees.

SEC. 84. (2310). *Non-resident not to kill game.*—If a person is not a resident of this state, he can not at any time, kill, ensnare, trap or net any deer, fawn, wild-turkey, quail, prairie-chicken, woodcock, goose, brant, duck, or snipe, coon, mink, otter, beaver, bear, muskrat, or any animal that has fur. If any person commits this wrong, he may be fined not to exceed one thousand dollars, or imprisoned in the county jail not to exceed one year, or both such fine and imprisonment.

SEC. 85. (7456). *Poisoning fish.*—No one is allowed to put into the waters of this state any poison to kill or injure

any fish, nor to use any explosive to kill or injure any fish; any one committing this wrong shall be fined not less than fifty nor more than two hundred dollars, for each offense, and if he fails to pay such fine and costs, he shall be put in jail one day for each dollar of costs and fine.

SEC. 86. (2322). *Diseased horses running at large.*—Any horse or mule that has the nasal gleet, glanders, or button farcy, is not allowed to be brought into this state, nor is such animal allowed to run at large, or used, or tied off his premises, or sell, trade, or offer for sale or trade any such animal, if the person who owns or has the animal knows such animal is so diseased. Any person who commits this wrong shall be punished by a fine of not more than one thousand dollars, or imprisoned in the county jail not more than one year or both such fine and imprisonment.

SEC. 87. (2323). *Texas cattle with fever.*—No one is allowed to bring into or drive through this state from one place to another, any cattle that he knows are affected with Texas or Spanish fever or any other contagious disease, but such owner may remove them from one piece of his ground to another, also he is not allowed to sell such animal or any hog that is affected with the hog cholera, unless he tells the purchaser that such animal is so affected. Any one that commits any wrong as mentioned in this section, shall be punished as mentioned in section 86.

SEC. 88. (2330). *Diseased sheep.*—Sheep that have a contagious disease are not allowed to be brought into this state, nor are such sheep allowed to run at large if the owner knows them to have such disease, nor can he sell such sheep. Any person violating this section shall be punished by imprisonment in the county jail not more than one year or fined not

more than one thousand dollars, or by both such fine and imprisonment.

SEC. 89. (2871-2872). *Woods set on fire*.—If any person willfully sets fire to any woods, marsh, or prairie, so that some other person will be damaged thereby, such person shall pay a sum not less than fifty nor more than five hundred dollars, half of this money to go to the person suing, and the other half to the county. Also if a person sets on fire, willfully, any woods, marsh, or prairie, whether it is his own or not and through this fire he damages some other person, he shall pay such person double the damages done.

SEC. 90. (6975-76). *Dogs*.—When any sheep or other domestic animal is killed or injured by any dog, the owner of the animal killed or injured may recover of the owner of the dog all the damages done, and the owner of the dog shall immediately kill such dog, and every day he refuses or neglects to do so, after notice, he shall pay one dollar, and it shall be lawful for any one to kill such dog. If any person sees a dog in the act of killing, wounding or chasing any sheep, or if any person sees a dog in such circumstances as to satisfactorily show that the dog was recently killing or chasing sheep or any other farm animal, he may kill such dog, unless the dog is in the possession of the owner or on his property.

SEC. 91. (6978). *Cattle driven away*.—If any person drives horses, mules, cattle, sheep, or hogs, through any part of this state, and knowingly and willfully allows any horse, mule, cattle, sheep, or hogs to be driven along and such animal belongs to another person and if such animal is driven along more than three miles, the owner may follow up and take the animal and also sue such person for twice the value of such animal or animals driven away, but in case there is no habita-

tion within three miles where the drover could leave such animal, and he leave it at the first habitation that he can, then the owner can not sue him.

SEC. 91A. (2325-2328). *Animals dead, disposed of.*—It is unlawful for any one to engage in hauling the carcasses of hogs, sheep, cattle, horses, that died of any contagious disease, also no one is allowed to buy, sell, or give such carcass away. It is not to be removed from the premises, but such carcass is to be disposed of within twenty-four hours after the animal died; it must be either buried or burned; if buried it must be buried at least two feet deep, but it is unlawful to bury it adjacent to a water course, creek, or slough, that runs onto the premises of another person. It is the duty of a person whose hogs are sick of any fatal disease, as soon as he knows them to be sick, to notify his neighbors, who join his premises and who have hogs, that his hogs are sick. If a person fails to dispose of his dead animals as provided, or fails to notify as provided by law, then any one may notify the constable, and he is to carry out the law at the expense of the owner. Also, any one who fails to comply with this act shall be fined in a sum not less than ten and no more than fifty dollars.

## CHAPTER X.

### EXECUTION.

SEC. 92. (3159). *Property exempt from execution.*—The following property can not be taken to satisfy a debt, if the owner of the property named is the head of a family: First, ten head of choice hogs, ten head of choice sheep and their wool, two cows and calves, one ax, one hoe, one set of plow gears, and all necessary farm implements for the use of one man; second, two work animals and feed valued at twenty-five

dollars; third, spinning wheels, and cards, one loom and apparatus; fourth, all spun yarn, thread and cloth made for family use; fifth, any quantity of hemp, flax and wool not exceeding twenty-five pounds of each; sixth, all wearing apparel of the family, four beds and their bedding and such other household and kitchen furniture not valued at more than one hundred dollars; seventh, the necessary tools and implements to carry on a trade; all military equipments required to be kept by law; ninth, all such provisions on hand for family use not to exceed one hundred dollars' value; tenth, the bible and other books used in the family, lettered grave-stones and one pew in church; eleventh, lawyers, preachers, doctors, and teachers, may select such books as are necessary in their profession, but a doctor may select medicine in the place of books.

SEC. 93. (3158). *Property exempt.*—If a person is not the head of a family he may select the following property, which can not be taken for debt: First, wearing apparel; second, the necessary tools to carry on his trade.

SEC. 94. (3162). *Property may be selected.*—The person who is at the head of a family may select in the place of the property mentioned in the first and second division of section 92, any property not to exceed three hundred dollars in value.

SEC. 95. (3165). *Property for tax.*—In this state any and all property may be taken for tax; or in other words, there is no property exempt from being taken for taxes.

SEC. 96. (3166-68). *Servants may take any property for the payment of their wages.*—No property is exempt from being taken for the payment of any personal service such as a farm laborer does, or that of a servant girl, and then for an amount not to exceed ninety dollars, and suit to recover the

wages is to be brought within six months from the time the last work was done by the laborer, for which he or she is suing; but this section only applies to a case where a person's property can not be taken for a debt as mentioned in section 92. Of course, if a person has more property than is exempt from debt, a servant may sue for any amount that is due him or her.

## CHAPTER XI.

### FENCES AND ENCLOSURES.

SEC. 97. (3294). *Fences.*—The following are the proper fences in this state if they are put up according to law: Hedge, posts and rails, posts and palings, posts and planks, posts and wire, rails laid up in a form commonly called a worm fence, stone or brick, or ground thrown up with a ditch on each side.

SEC. 98. (3295). *A sufficient fence where hogs are allowed to run at large.*—In counties where hogs are allowed to run at large, the following named fence is a sufficient lawful one: If hedge, it must be at least four feet high; if made of posts and rails, posts and palings, posts and wire, posts and boards or palisades, it shall be at least four and one-half feet high, with posts set firmly in the ground and not more than eight feet apart, and the rails, palings, wire, boards or palisades securely fastened to the posts, and these are to be placed on the posts a proper distance apart so hogs, horses, cattle and any such stock can not get through. If the fence is made of ground, it shall be at least four feet high and a ditch on each side, these ditches must be at least three feet wide at the top and three feet deep; if it is a worm fence it must be at least five feet high to the top of the rider, or if it has no rider then it must be five feet high at least to the top

rail or pole and it must be locked with strong rails or poles or stakes; if the fence is made of stone or brick it must be at least four and one-half feet high.

SEC. 99. (3295). *A sufficient fence where hogs are not allowed to run at large.*—In counties where hogs are not allowed to run at large, the law is as follows: If it is a wire fence, the posts may be placed sixteen feet apart, and three wires stretched tightly and attached to the posts, and the top wire is to be four feet from the ground, and the other two wires are to be attached below to the posts a proper distance apart so horses, cattle and such stock can not get through; if the fence is made of posts and rails or posts and slats, the posts must be set firmly in the ground and not more than ten feet apart, and three rails high, or slats fastened to the posts and the upper rail must be four and one-half feet from the ground and the other two placed below on the posts a proper distance apart, so cattle, horses and such stock can not get through; if the fence is built of posts and boards the posts must be set firmly in the ground and not more than eight feet apart, the boards are to be one inch thick and six inches wide, the top board must be four and one-half feet high and the remaining boards are to be placed the proper distance apart below.

SEC. 100. (3296). *Stock taken up.*—Whenever any horse, mule or other stock breaks over or through a lawful fence, as described in sections 98 and 99, and thereby trespass on another's land, and does damage, the owner shall pay all the damage done by his animal, and all the costs that accumulate in getting the damages paid. A suit to get damages paid may be brought in a justice of the peace court. If the animal or animals trespass again, then the owner of the land, or he

who is in possession of the land on which the trespass is committed, may take up such animal or animals and take good care of them and immediately notify the owner; when the owner of the animal receives notice he shall pay all the damages done and a reasonable amount for keeping, and when he has paid this to the person who has taken up the animal, he may then remove the animal. If the owner and the taker-up of the animal can not agree on the damages and costs of keeping, they are then to apply to a justice of the peace of the township, and he shall proceed to find the damages and costs of keeping.

SEC. 101. (3297). *Viewers appointed.*—If a person has a lawful fence and another person's animal breaks through it, the owner of the fence may apply to a justice of the peace, asking that viewers be appointed to view such fence, the justice of the peace shall then immediately appoint three disinterested householders of the neighborhood not related to either party; they are to view the fence to determine if it is a lawful one.

SEC. 102. (3298). *Injuring animals.*—If a person has a fence that is not sufficient according to law (sections 98 and 99) and thereby another person's animal gets into his premises, and he kills or injures them in any way, he must pay the owner of the animal double the damage done.

SEC. 103. (3299). *Division fence.*—If a person who owns land has a lawful fence on it, as described in sections 98 and 99, and this fence serves to enclose the land of another person, the person who owns the fence can send a written notice to the other person, asking him to pay for half of the fence and if he pays for half of it he will own a half interest in it, or if the person notified, so desires he can in place of

buying one-half of the fence, erect a lawful fence half of the distance along the division line, but he must if he builds the fence do this within eight months from the time he received notice to pay for half of the fence, but if the party who was notified does not pay for half of the fence nor builds half of it, then the owner of the fence may force him by law to pay for half of it, or the owner of the fence may remove the entire fence without any notice that he will remove it.

SEC. 104. (3300). *Fence value disagreed on.*—If the owner of the fence and the person notified can not agree on the value of half of the fence, then the owner may apply to a justice of the peace of the township, who shall immediately send an order to three householders of the neighborhood, who are not related to either party interested in the fence, they are to estimate the value of the fence.

SEC. 105. (3302). *Fence divided for purpose of repair.*—Sometimes two neighbors can not agree as to which half of the division fence each is to keep in repair, in such a case either one of them may apply to a justice of the peace of the township, who shall appoint three disinterested householders of the township to appear to view the fence, also the justice is to give each of the parties three days' notice as to the time and place where the viewers will meet, and the appointed viewers are to determine which part of the fence each person is to repair.

SEC. 106. (3303). *Fee for persons appointed.*—The persons appointed to view the fence as mentioned in sections 104 and 105, shall receive one dollar each per day for the time they are actually employed, which is to be paid by the parties interested, they are also to pay the justice the costs.

SEC. 107. (3304). *Division fence to be kept in repair.*—

Every person who owns a division fence must keep it in good repair so it will be a lawful fence, and if such a division fence is a hedge, he must trim it at least once each year, and to a height not more than four and one-half feet, and to a breadth not greater than three feet. To trim a hedge a person may go on the land joining the hedge. If a person fails to keep his division fence or hedge in repair, the other party who owns the land adjoining may have the fence repaired or the hedge trimmed at the expense of the owner of the fence; but in such a case the person who trims the hedge must throw the brush trimmed off on his own side of the fence. In case a person fails to keep his fence in repair or fails to trim his hedge, and the other person is damaged thereby, the person who neglected to keep his fence in repair shall be liable in double the amount of damages done to the party.

SEC. 108. (3305). *Division fence moved.*—No division fence can be removed unless all the owners give their consent; unless it should be for the purpose of opening a public road, or also a person may move his part of the fence if he first gives six months' notice in writing to the person who owns the other part of the fence.

SEC. 109. (3309). *Hedge protected.*—If a person wishes to plant a hedge fence along the line of a public road he may do so and to protect such hedge he has the right to inclose six feet in width of such road and for six years, but if the road is less than forty feet wide then he can inclose only three feet in width of such public road.

SEC. 110. (3308). *Hedge protected on division line.*—If a person wishes to plant a hedge fence on the division line between his land and the land of another person, he may do so, and to protect such hedge he may put up a fence three feet

from the division line on the other person's land, and this fence to protect such hedge may be kept there at least three years or until such hedge shall be large enough to be a lawful fence.

SEC. 111. (3310). *Saltpetre works to be fenced.*—Any person who owns or works any saltpetre works in this state shall keep it fenced with a lawful fence so that no stock can enter the same and be injured thereby. In case such works are not enclosed with a lawful fence and another person's animal is injured or killed by drinking the saltpetre water from such works, the owner or occupier of such works is liable for double the damages done.

SEC. 112. (3312-14). *Cotton gin to be enclosed.*—All persons who own or operate cotton gins in this state shall keep them enclosed so hogs can not enter; cotton seed is not allowed to be scattered outside of this inclosure; any person who violates this section shall be liable for all damage done.

SEC. 113. (3315). *Hedges to be trimmed.*—The owner of a hedge fence which is on the line along the public road, is required to trim it if it is over five years old; it must be trimmed at least once every two years, and to a height not more than five feet and not less than four feet; but if such hedge inclose an orchard, house, or yard, or stock-yard, then the provisions of this section do not need to be carried out; that is, the hedge in such a case does not need to be trimmed.

SEC. 114. (3316). *Road overseer's duty.*—If any person fails to trim his hedge as provided in section 113, then the roadoverseer of that district shall give written notice to the owner or agent of such land on which the hedge is located, the roadoverseer is to deliver such notice to the owner or his agent or to the place where they live, or if the owner or agent can not be found then the notice is to be posted upon the line

of such public road; the notice is to state that the hedge should be trimmed according to law

SEC. 115. (3317). *Hedge not trimmed—what to do.*—If the owner of a hedge along a public road fails to trim it after he has had thirty days' notice to trim it, then the overseer of such district shall have such hedge fence trimmed; and all costs and expenses of trimming such hedge must be paid by the owner of such hedge fence.

## CHAPTER XII.

### LANDOWNER AND RENTER.

[The word landlord refers to the person who owns land or houses, and the word tenant refers to the person who has rented land or houses; usually in law books the word landlord is used in place of landowner, and the word tenant in place of renter].

SEC. 116. (4104). *Tenant to leave when notifying landlord.*—If a tenant (renter) gives notice in writing to his landlord that he intends to leave the premises, and he then does not leave as specified in the notice, he shall pay double the amount of rent for all the time he continues on such premises.

SEC. 117. (4106). *Tenant liable when his time expires.*—If a tenant has leased any land or house for a term of years, and when his time expires and he receives notice to leave, and he does not leave, he shall be liable to the owner for double the yearly value thereof for all the time he remains and keeps the owner out of possession.

SEC. 118. (4107). *Tenant not to assign.*—A tenant who has rented for a term of two years or less, or at the will of either party, such a renter can not transfer or assign his

interest in the premises to another person, unless he has the written consent of the landlord to do so. If the renter does transfer such premises without the consent of the landlord, then the landlord may after ten days' notice take possession of the premises.

SEC. 119. (*4109*). *Tenancy may be terminated by either party.*—If land or a house is rented for one year, or rented from year to year, the renter or the owner of the land may end such renting and have the renter to move off by giving sixty days' notice before the end of the time for which it was rented. Farms are usually rented for a year, so this notice applies to such renters.

SEC. 120. (*4110*). *Tenant for less than one year.*—A person who has rented land or a house for a less time than one year can be removed from the same on having one month's notice to remove.

SEC. 121. (*4111*). *Notice not necessary, when.*—No notice to quit or leave land or a house is necessary, when it is understood that the renter's time positively expires at the end of the time for which it was rented, or if the renter and the landlord agree that no notice to leave the premises is necessary. But the safest plan for the landowner to do, is to give the renter the proper notice to leave the place, then if the renter wishes to remain on the place, he can re-rent if he and the landlord can agree.

SEC. 122. (*4115*). *Crops to stand for the rent.*—Every landlord shall have a right to hold the crop grown on the land for the rent, or in other words, the crop stands good for the rent. And this crop shall stand for the rent eight months after the rent is due. When any land is used for a nursery, then the nursery stock shall stand good for the rent

as long as such nursery stock is on the rented place. It will be noticed that the law says that the crop shall stand good for the rent eight months after the rent is due. This, of course, means that when the rent is due and not paid, the landlord can take the crop within eight months and not after that.

SEC. 123. (4123). *Attachment for rent.*—If a person has rented and the rent is not paid, but is due within one year, his personal property and the crops grown on the premises may be attached in the following named instances: First, when the renter *intends* to remove his property from the rented place; second, when he is removing his property from the rented place; third, when he has, within thirty days, removed his property from the rented place; fourth, when he has sold or disposed of his crop or a part of it, so as to endanger, hinder, or delay the collection of the rent; fifth, when he shall attempt to dispose of the crop, or any part of it, so as to endanger, hinder, or delay the collection of the rent; sixth, when the rent is due and a demand has been made and it has not been paid. In case the renter's property or crop is to be attached, it may be done by the landlord or his agent, he is to go before a justice, or a clerk of the circuit court of the county and there make a sworn statement why he wants to attach such property, and that he believes if he does not attach the renter's property, he will lose the rent, and when this sworn statement has been made the officer is to issue an attachment against the personal property and the crop of the renter; also before the attachment is issued the person who is asking for the attachment must give a good bond in double the amount of the rent sued for. If any person shall buy any crop that was grown on any rented land, and the rent is still unpaid, and the person who buys such crop knows that the crop was grown on such

rented land he is liable for the rent to the value of the crop he bought; and any person to whom such rent is due may recover such rent.

SEC. 124. (4128). *Renter re-rents.*—If a renter re-rents the land he has rented, or re-rents a part of it, to another person, the landlord may, when he sues for his rent, also sue the person to whom he has rented and the person who has rented from the renter. Or it may be stated plainer in this way: A person who rents from the renter is liable to the landlord for the rent.

SEC. 125. (4130-31). *Landlord may take possession if rent is not paid.*—If the rent of land or a house is due and is not paid, and the landlord has asked for the rent, but failed to receive it, he may then have the renter put out of possession, this may be done by the landlord or his agent, by going before a justice of the peace and there making a sworn statement that the rent is due and not paid, then the justice shall issue an order to have the renter appear before him.

## CHAPTER XIII.

### LEGAL TENDER.

SEC. 126. (4202). The silver coins of the United States are a legal tender at their par (face) value, and shall be received in payment of all debts in this state either private or public debts, but no one is compelled to take dimes or half-dimes if the debt amounts to more than ten dollars; and if the debt amounts to more than twenty dollars the creditor need not take twenty or twenty-five cent pieces in payment of it.

## CHAPTER XIV.

## INTEREST.

SEC. 127. (3705). *Rate of interest when none is agreed upon.*—A creditor is allowed six per cent., when no rate is mentioned. He is allowed this amount on all money which another owes him, or if another person owes him on a contract and it is not paid when due it will bear interest from the time the contract is due, at the rate of six per cent. if no other amount is agreed to.

SEC. 128. (3706). *Eight per cent may be agreed on.*—The parties to a note, or contract, or any writing in which money is due or to become due, may agree to any interest not to exceed eight per cent. per year.

SEC. 129. (3711). *Interest on interest.*—Where money is due on a note, contract, or any instrument in writing, it will bear interest, but when the interest becomes due, this interest if not paid will not draw interest unless the parties have agreed that the interest which is due shall draw interest, and then the interest can only be compounded yearly, that is, the interest may be added to the principal once a year and become part of the principal.

## CHAPTER XV.

## MARKS AND BRANDS.

SEC. 130. (8490). *Branding animals.*—If a person marks or brands his hogs, sheep, or cattle, he must have a different brand than his neighbor. He also must deliver a description of his brand or mark to the clerk of the county

court, and the county clerk shall record such mark or brand in a book kept for that purpose.

SEC. 131. (*8491*). *Brand disputed.*—If a dispute should arise as to whose a certain mark or brand is, it shall be decided by the record of the county clerk.

SEC. 132. (*8492*). *Only one brand to be used.*—A person is allowed to use only one brand for his stock, and any child of such person whether it is his own or an adopted child, if such child is under age and owns any stock, such stock shall be branded with the same brand as his parent's brand.

SEC. 133. (*8493*). *Penalty for using brand that is not recorded.*—If any person uses a mark or brand different than the one he has recorded or if he uses more than one brand or mark, or allows his child or servant to use a different mark, he shall forfeit the stock branded and the value of such stock besides.

SEC. 134. (*8494*). *Penalty for changing mark.*—If any person alter the brand or mark on the animal of another person, he shall be liable to a forfeit of not more than one hundred dollars for each animal whose mark or brand he has changed.

SEC. 135. (*8495*). *Penalty for mismarking.*—If any person willfully, and with the intention to defraud, brands or marks stock that belongs to another person, he shall pay a forfeit of five dollars over and above the value of such stock branded.

SEC. 136. (*8496*). *Duty of person killing stock.*—If a person kills any hog, sheep, or cattle that is running at large, he shall, within three days, if it is a hog, show the head and ears, if it is a sheep or cattle, he is to show the hide, to a justice of the peace, or to two respectable householders of the

township; if he does not do this he is subject to a penalty of ten dollars.

(8499). No one has a right to adopt a mark or brand by which one or both ears are to be taken off, or to so badly mangle the ears as to destroy them. Any person who so marks his stock in this way shall be subject to a forfeit of one hundred dollars.

## CHAPTER XVI.

### PERSONAL PROPERTY.

SEC. 137. (4432). *Partition of personal property.*—If two or more persons own personal property together, it may be divided or sold and the money divided among them; this may be done at the request of either party. If the owners can not agree as to how it should be divided, it then must be divided by the circuit court.

## CHAPTER XVII.

### ROADS AND HIGHWAYS.

SEC. 138. (9411). *Width of road.*—All public roads of this state shall not be less than thirty and not more than sixty feet wide.

SEC. 139. (9412). *Road to be cleared of trees, limbs and stumps.*—If any tree or limb is in a public road so that it will interfere with travel, or discommode a traveler it shall be cleared from the road; and all stumps shall be grubbed or cut below the surface of the ground, and wet places and streams shall be so fixed or bridged so the public can pass over in safety.

SEC. 140. (9414-10343). *Application for new road.*—An application for a new road or to change an old road, shall

be made by petitioning the county court and signed by at least twelve freeholders of the township touched by said road, and at least three of the petitioners must be from the immediate vicinity of the road, the petition must state the place of beginning and ending of said road, and at least two points along such road; also that said road shall run along surveyed lines as near as practicable, also the petition shall contain the names of all resident persons who own land through which the road passes, and the amount of damages they claim, as near as can be found, and also the names of those persons who are willing to give their land through which said road will run. In counties where there is township organization, a road may be opened, or changed or closed by a petition of at least twelve householders of the township who live within three miles of such road, this petition is to be presented to the township board, but copies of such petition shall be posted up on at least three of the most public places in the township, stating when the petition will be heard by the board; this must be done at least twenty days before the petition will be heard.

In counties where there is no township organization, notice that the application will be made, shall be put up in at least three of the most public places in the township or townships, one is to be put up at the beginning of the road and one at the end; these are to be put up at least twenty days before the first day of the regular term of the county court at which the petition is presented.

SEC. 141. (9416). *Remonstrance*.—A remonstrance may be presented to the county court, asking that the road should not be opened or changed as the case may be, this remonstrance is to be signed by at least twelve landowners residing in the township or townships through which the new road is to run,

or the road to be changed is located, three of the petitioners must be from the immediate neighborhood; and witnesses are to be produced to show the necessity, practicability, and damages of said road, and if the court, after hearing the testimony, be of the opinion that the facts in the case justify the location or change of the road at the expense of the county, then the road is to be opened or changed as the case may be, but if the court decides otherwise then the case is to be dismissed, but if the petitioners pay into the county treasury the amount of damages likely to occur to the landowners in opening or changing the road, the court is then to order the road opened.

SEC. 142. (9422). *Road caves in.*—If the bank of a river or creek caves in, on which a road is located, and the cave-in interferes with travel or makes it unsafe, the county road commissioner shall locate and open a new road, and appoint three freeholders to assess the damages of the new road to the land over which it is located.

SEC. 143. (9424-9446). *Working roads in counties not under township organization.*—The law in regard to working the roads in counties where there is no township organization is as follows: In the month of January, 1900, the county court is to divide the county into road districts; these districts are to contain not less than nine sections, and not to exceed one township; for each district the court is to appoint a board of three road commissioners, one to serve one year, one to serve two years, and one to serve three years, and when any one's time expires, another one is to be appointed for three years. Any one to be qualified as road commissioner must be a voter, a landowner and lived in the district one year before being appointed. Ten days after they have been appointed,

and every year thereafter, they are to meet and organize by appointing one of their members president, and one of them clerk; they are to receive no pay for their work, except the clerk, who gets ten dollars per year; then they are to meet on or before the first day of March to consider the work of repairing necessary to be done for the whole year, and to make arrangements to have this work done, but before this meeting is held they are to give ten days' notice of the time and place of such meeting, this notice is to be posted up in five public places in the district. When the board is organized the county court is to have delivered to the board all the tools and property that belongs to the territory which is in such district. The board has entire control over such road to construct, repair and improve it, and shall keep it in good repair, and for this purpose may employ laborers, hire teams, rent, lease or buy tools, implements, machinery, and all things necessary to work such roads; or they may let the work out by contract to the lowest responsible bidder. If the work is left to a contractor he is to give a bond in double the amount of the contract price, this bond is given for security to do good work. The clerk shall keep a full and complete record of contracts made at their meeting, of all money paid and to whom, and for what purpose, and keep a record of all the tools and property belonging to the district. The board shall make a report to the county court at the regular November term, this report is to state the amount of money received, date when received and from where received; and the amount paid out, to whom and for what purpose, and date of payment, and shall report all tools, machinery and property of the district; this report is to be sworn to by the president and the clerk of the board; this report is to be kept in the county clerk's office and may

be inspected by any one. The county court is to furnish the board a plat of the district, showing the boundaries and roads of the district. The board is to do their best to keep the roads in good repair during the entire year, and do at least three-fourths of the grading before the first of August in each year. The board can not employ any of its members to do road work, or to hire any of their own tools, or teams, or buy material of any of them for road purpose. The county court is to levy a poll tax on all male inhabitants over twenty-one and under sixty years old; this tax is not to be less than one dollar and fifty cents nor more than three dollars per year, and a tax upon real and personal property of not less than five and no more than twenty-five cents on one hundred dollars valuation. The clerk of each district is to furnish the county clerk a list of all the male persons in his district who are over twenty-one and under sixty years old. Delinquent taxpayers may be sued and no property is exempt from being taken for taxes. Any taxpayer may pay his poll tax to the board either in work or money. The board may enter upon the land next to the road or near to the road for the purpose of opening any ditch to drain the road, or to get necessary material for the road such as stone, earth, or timber, the owner of such premises is to receive reasonable pay for any damage and for material taken; if the owner and the board can not agree on the damage done and value of the material taken, then the board is to appoint three landowners to assess the damages and the value of the material taken. All bridges costing less than fifty dollars are to be constructed by the board, and those costing fifty dollars or more are to be constructed by the county. Thrifty shade or ornamental trees are not to be destroyed in working the roads. The board is to keep up guide-boards at all important road crossings.

SEC. 144. (9447). *Change of road.*—If a road runs through a person's land, and he wishes to have it changed, he is to petition the county court as in case of a new road, and if the county court is satisfied, and the person over whose land the changed road is to run is satisfied, and the person who asks for the road to be changed, pays all damages, then the county court is to proceed to change the road. This is in counties not under township organization.

SEC. 145. (9448). *Road may be vacated.*—Any twelve landowners of any township or townships through which a road passes, may apply to the county court to have it vacated or closed if it is an unreasonable burden to keep it in repair, the petition is to be read publicly on the first day of the term of at which it is presented, then notice is to be placed up in three public places in the township or townships where the road is; this notice must be placed up at least twenty days before the next term of court, and a copy of the notice must be presented personally to those persons whose land is crossed by the road, then if there is no remonstrance signed by at least twelve landowners, then the court may close such road, but if there is a remonstrance presented to the court and still the court decides to close the road, and those who signed the remonstrance shall pay the court costs. If the road that is vacated has not been open more than five years then the petitioners to have it closed are to pay all costs and damages connected with the road in opening it, if it has been open more than five years, then this is not to be paid by them. [This section applies to counties not under township organization].

SEC. 146. (9454-10354). *Obstruction of road.*—No one is allowed to obstruct willfully and knowingly, any public road, by throwing in any brush or trees, or by constructing a

fence across it, or obstructing it in any way; any one doing this is liable to a fine not less than five dollars and no more than one hundred dollars and besides this fine, if he does not remove said obstruction within five days after he has received notice from the road overseer to remove it he shall be fined five dollars per day for each day thereafter that he neglects to remove it, but a person may, in trimming hedge, throw the brush along the side of the road where the hedge is, but this brush must be removed within twenty days. In counties having township organization the penalty for obstructing a public road is not less than twenty dollars, and for each day that he neglects to remove the obstruction after he has received notice, it is considered a new offense, and subject to the same fine as for putting the obstruction in the road.

SEC. 147. (9458). *Meeting vehicles on road.*—If a person with a vehicle of any kind meets on the public road another person who has a vehicle, the rule in regard to turning out is, that each must turn to the right of the center of the road; if a person does not turn out and there is any injury done, the person who caused the injury, is liable to a penalty of five dollars for refusing to turn out, but a person who has a heavy load need not turn out when he meets a person who has an empty wagon.

SEC. 148. (9449). *Guide-boards injured.*—If any person willfully breaks, injures, removes or destroys any mile-post, guide-board, mile-stone, which has been erected by order of the law, on a public road, or if he change any inscription on any guide-board, mile-stone, or mile-post, or if he plows up, tears up, or in any way mutilates any public road without being ordered to do so by the road overseer, such person is guilty of a wrong, and may be fined in a sum not to exceed

ten dollars. But a person may plow along the road to destroy weeds and plow for the purpose of cultivating his hedge; in such a case he is doing no wrong and therefore he can not be fined.

SEC. 149. (Chapter 168; Article 14). *Road law in counties having township organization.*—The road overseer of each district shall have the care and the superintendency of roads and bridges and keep them in good repair; he is to have all bridges built that do not cost more than twenty-five dollars, and all bridges that cost over twenty-five dollars, and not more than fifty dollars are to be built by order of the township board, and all bridges that cost more than fifty dollars are to be built by order of the county court. The road overseer shall put up guide-boards whenever the township board shall so direct. The township board of directors shall have power to buy all plows, scrapers, and implements necessary to work the roads. The road overseer of each road district shall make out a list of names of all persons in their road districts that are subject to work on the road, this list is to be made out and filed with the township clerk between the first and fifteenth day of April, the clerk is to present it to the township board at their next meeting, the board shall then assess the number of days work each is to do.

The township board shall have power to assess a tax, upon all taxable property for road purposes, the tax not to be less than ten and no more than forty cents on one hundred dollars valuation, and the board shall require of each person who is subject to work on the roads, to work not less than one day and no more than three days on the road. This last is a poll tax. It shall be the duty of the road overseer to keep the roads in his district in good repair, to cut down the weeds between the

fifteenth day of July and the fifteenth day of August each year. He is to give at least two days' notice of the time and place where the person is to work, and what implements he is to bring. He is to collect all fines for road purposes. He is to deliver to the township board or file in the township clerk's office when his time expires for which he was elected or when he gives up his office, a correct list of all money paid out and received by him, the date when received, from whom and for what purpose, also the amount paid out, to whom and for what purpose, and the amount still in his possession if there is any; he shall make a certified statement under affidavit, of all real property in his district on which there is road taxes due and still unpaid and the amount thereof. He shall give a correct list of all labor due and still unpaid. The township clerk is to give to each road overseer a list of all property in the district and the owners thereof, and the number of days each person has to work. Every person is to work the number of days for which he is assessed, but he may, if he prefers, pay his tax at the rate of one dollar for each day he is to work, this is to be paid to the road overseer; if any person pays, in the place of working his taxes out, he must pay within twenty-four hours after he has been notified to work on the road.

Every overseer has the power to require a team, cart, wagon, or plow, with a pair of horses or oxen and a man to manage them, this may be required of any one who has two or more days to work on the road and has not paid it; and for every day he works with them he shall be credited the same as though he had worked two days without them. In working on the road, a day's work is eight hours; when a person is notified to work the roads, he may work on the roads or send

a substitute. The overseer shall receive one dollar and fifty cents for each day he is employed in the discharge of his duty. If the township board sees fit they may let the working of the roads by contract, and if they let the work to contractors, the road taxes are then to be paid in place of being worked out. If the working of the road is let to contractors, then the work must be completed by the first day of September. If a person who is subject to work on the roads, has been notified, and he fails to appear to work the roads and also does not pay it in place of work, or if he appears to work and does the work in an unsatisfactory manner that the overseer discharges him, he shall pay at the rate of two dollars per day for each day he was subject to work, or in plainer words, he must pay double the amount of the taxes he was to work out.

The township board may lay out a new road, close an old one or change a road, if petitioned by at least twelve householders of the township that live within three miles of the road to be opened, closed or changed, the petition is to describe the road, and, if it is one to be changed or any part of it to be changed, then the petition is to describe the part to be changed, and if it is to lay out a new road, the petition is to name the owners of the land over which the road is to pass, if their names are known, the petition is also to state the places where the road is to begin and end, and at least two points on said road, also the road must run along government surveys as near as practicable. Before this petition is presented to the township board, copies of it must be posted up in at least three of the most public places in the township, also stating when the petition will be heard by the township board; these copies must be posted up at least twenty days before the township board can hear the petition. ,

A remonstrance may be presented to the township board signed by at least twelve householders, and witnesses may be produced showing that the road will be of a great expense and also that the road will not be practicable, the township board shall hear both parties and then determine as to whether the road is to be opened or not. An appeal may be taken from the township board to the county court, within thirty days.

## CHAPTER XVIII.

### STRAY.

SEC. 150. (10137). *Stray animal posted.* — No person shall post any animal as a stray until he has first given thirty days notice of his intention to post such animal as a stray, and this notice shall be given within two days after the animal was taken up, but if a stray animal breaks through a lawful fence into another person's enclosure, such animal may be taken up as a stray immediately and posted as such. A person who is not a householder can not take up a stray unless he first enter into a bond to double the value of the animal to be taken up; also no unbroken animal is to be taken up as a stray between the first day of April and the first day of November, unless, of course, the animal should break into another person's enclosure.

SEC. 151. (10139). *Stray taken up.* — If any horse or mule, liable to be taken up, be found on any plantation and the person who occupies the same refuses to take up the animal, then any householder of the county may give the person who occupies the land, five days' notice in writing of his intention of taking up said stray, and at the end of this time he may take up the animal the same as if it were on his own land.

SEC. 152. (10140). *Notice before posting a stray.* —

When a person gives notice that a certain animal will be taken up as a stray, these notices must be put up in at least three public places in the township where the animal is found, and a copy must be forwarded to the county clerk at least thirty days before the animal is posted; this notice is to give a description of the animal, stating size, color, age, sex, marks and brands, and shall also state, that if the owner of the animal does not claim and prove the same within thirty days, the animal will be posted before some justice of the peace of the county.

SEC. 153. (10141). *Duty of taker-up.*—If no person claim and prove said animal within thirty days, then the taker-up shall go before some justice of the peace of the county, and file a copy of the notice which he had posted up, and make affidavit that the animal was taken up on his plantation, or that of another person.

SEC. 154. (10162). *Stray used.*—A person who has taken up a stray may use or work it with care and moderation, but he shall not remove it from the county for more than five days at a time, under a penalty of twenty dollars.

SEC. 155. (10164). *Stray claimed.*—When notice has been set up that the animal will be posted as a stray, the owner of the animal may claim and prove it, and he will be entitled to take it away if he pays the person who took up the animal, the fees allowed and a reasonable amount for keeping the animal.

SEC. 156. (10170). *Fees for taking up.*—For taking up any horse, mule, or cattle, the fees are twenty-five cents; for taking up any hog, sheep or goat twelve and one-half cents, and for each affidavit filed before a justice fifty cents; for putting up notices, one dollar and twenty-five cents, and for transmitting the notice for publication twenty-five cents.

# MISCELLANEOUS.

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## CHAPTER XIX.

### WEIGHT OF BUSHEL.

SEC. 157. (10576). The following is the weight per bushel of the article named:

Wheat .....	60 pounds
Beans .....	60 pounds
Clover seed.....	60 pounds
Irish potatoes .....	60 pounds
Peas .....	60 pounds
Spli <sup>t</sup> peas .....	60 pounds
Rye .....	56 pounds
Corn, shelled .....	56 pounds
Flax seed .....	56 pounds
Corn, shucked .....	70 pounds
Barley .....	48 pounds
Oats .....	32 pounds
Bran .....	20 pounds
Onions .....	57 pounds
Peaches, dried .....	33 pounds
Apples, dried .....	24 pounds
Buckwheat .....	52 pounds
Castor beans .....	48 pounds
Hemp seed .....	44 pounds
Blue grass seed .....	14 pounds

Timothy seed .....	45 pounds
Cotton seed .....	33 pounds
Salt .....	50 pounds
Coal .....	80 pounds
Sweet potatoes .....	56 pounds
Parsnips .....	44 pounds
Turnips, common .....	42 pounds
Carrots .....	50 pounds
Rutabagas .....	50 pounds
Corn meal .....	50 pounds
Millet .....	50 pounds
Green peas .....	56 pounds
Unshelled peas .....	56 pounds
Green beans .....	56 pounds
Unshelled beans .....	56 pounds
Apples .....	48 pounds
Peaches .....	48 pounds
Pears .....	48 pounds
Hungarian grass seed .....	48 pounds
Malt .....	38 pounds
Top onion set .....	28 pounds
Red top seed .....	14 pounds
Orchard grass seed .....	14 pounds
Sorghum seed .....	42 pounds
Osage orange seed .....	36 pounds
Cucumbers .....	48 pounds
Tomatoes .....	45 pounds
A bushel of coke or charcoal contains	2,680 cubic inches.

SEC. 158. The following is a short abstract taken from schedule "A" of the internal revenue law in effect July 1,

1898. Only such part will be here inserted as will be of use and interest to the farming class.

1. Bank checks, drafts, certificates of deposits not drawing interest, or order for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, company or corporation at sight or on demand, tax is 2 cents.

2. Bills of exchange (inland), drafts, certificates of deposit drawing interest, or order for payment of any sum of money otherwise than at sight or on demand, or any promissory note, and for each renewal of the same, for a sum not exceeding \$100, tax is 2 cents. For each additional \$100 or fractional part of \$100 in excess of \$100, tax is 2 cents.

3. Deeds, or any writing which conveys real property, the value of which is over \$100 and not more than \$500, tax is 50 cents. For each additional \$500 or fractional part thereof, tax is 50 cents.

4. Leases, agreements, memorandum, or contract for the hire, rent, or use of land or tenement not to exceed one year, tax is 25 cents. Exceeding one year and not exceeding three years, tax is 50 cents. If exceeding three years, tax is \$1.00.

5. Mortgage, or pledge of real or personal property exceeding \$1,000 and not more than \$1,500, tax is 25 cents. On each \$500 or fractional part thereof in excess of \$1,500, tax is 25 cents.

6. Power-of-attorney to sell or convey real property or to rent or lease the same, or to collect or receive rent, tax is 25 cents.

This refers to an agent who sells or buys land, or collects rent for another person.

7. Any person who makes or issues documents and instru-

ments which ought, by law, to be stamped, and the person does not stamp it such person is liable to a penalty of \$100.

8. The collector of the revenue may remit the penalty (that is return it) if the stamp was omitted by mistake or unintentional.

9. If any person intentionally fails to stamp any bill of exchange, draft, or order, or promissory note, or if any person accept or pays any such draft, order, or note with the intention of avoiding the payment of the stamp tax, such person is subject to a penalty of not more than \$200.

10. An internal revenue stamp must be canceled when it is affixed to an instrument, the person who uses or affixes the stamp is to cancel it by writing or printing the initials of his name and the date upon the stamp.

11. If a person with the intention of fraud fails to cancel a stamp, he is subject to a fine of not less than \$50 and no more than \$500, or be imprisoned not more than six months or both fined and imprisoned.

SEC. 159. *Grain, to measure.*—First, to find the number of cubic feet in a bin or wagon bed, multiply the length, width and height, in feet, together, now if the number of cubic feet are multiplied by 1728 this gives the cubic inches in the bin or wagon-bed, this number divided by 2,150 gives the number of bushels, such as shelled corn, wheat, oats, buckwheat, etc. Example: How many bushels in a wagon-bed 10 feet long, 3 feet wide and 2 feet high? Process:  $10 \times 3 \times 2 = 60$  cubic feet;  $1728 \times 60 = 103,680$  cubic inches;  $103,680 \div 2150 = 48\frac{4}{5}$  bushels or nearly  $48\frac{1}{4}$  bushels.

To measure ear corn husked: Corn in the ear when of extra good quality, and well cured holds out at  $2\frac{1}{4}$  cubic feet

to the bushel (3900 cubic inches). Good corn will require  $2\frac{3}{8}$  cubic feet or about 4100 cubic inches to the bushel.

Corn of a poor quality requires  $2\frac{1}{2}$  cubic feet or 4300 cubic inches to the bushel.

*Snapped corn.* To measure snapped corn find the number of bushels in shucked (husked) corn and deduct  $\frac{1}{4}$  for husks; but if the corn is of a poor quality deduct  $\frac{1}{3}$  for husks.

SEC. 160. *Hay.* Hay can not be measured so that the exact amount can be obtained; to be perfectly accurate in finding the amount of hay it must be weighed. If the following rules be used in measuring hay the quantity will be practically correct. Good timothy hay thoroughly settled will take about 350 cubic feet for a ton. If it is only partly settled it will take from 400 to 450 cubic feet for a ton. New hay will take 500 cubic feet for a ton. Clover and timothy hay mixed will take about 450 cubic feet for a ton, if settled. Clover hay will take 550 cubic feet for a ton. Timothy hay on the wagon will take 540 cubic feet for a ton. To find the number of tons divide the number of cubic feet in the mow, stack, or wagon by the number of cubic feet in a ton.

To find the number of cubic feet in a square stack or rick, first find the number of feet from the base to the place where the stack begins to slant in, then take  $\frac{1}{3}$  of the remaining height and add it to the first height, then multiply the height, width and length together. Then to find the number of tons divide the number of cubic feet by the number of cubic feet in a ton. Example: How many tons in a rick 30 feet long, 16 feet wide, 8 feet high to the place where the stack slants in, and the remaining height is 6 feet? Process:  $\frac{1}{3}$  of 6 feet = 2 feet; 8 feet + 2 feet = 10 feet;  $30 \times 16 \times 10 = 4800$ , number of cubic feet in stack. Now if the rick is

clover and timothy mixed, divide by 450.  $4800 \div 450 = 10\frac{2}{3}$  tons. Some ricks slant in a little from the base, in such a case, take  $\frac{2}{3}$  of the height of the stack and multiply this by the length and width. Example: Height of stack 14 feet, length 30 feet, width 16 feet.  $\frac{2}{3}$  of 14 =  $9\frac{1}{3}$ . Then number of cubic feet equal  $30 \times 16 \times 9\frac{1}{3} = 4380$ .  $4380 \div 450 = 9\frac{2}{3}$  tons, if clover and timothy mixed.

To find the number of tons in a circular stack, first find the number of feet in the circumference of the stack and multiply this by itself, then divide this by  $12\frac{1}{2}$  and this result multiply by  $\frac{1}{3}$  of the height of the stacks; this gives the number of cubic feet in stack. Example: How many ton in a round, or circular stack 50 feet in circumference and 15 feet high? Process :  $50 \times 50 = 2500$ ;  $\frac{1}{3}$  of 15 = 5;  $2500 \div 12\frac{1}{2} = 200$ ;  $200 \times 5 = 1000$  cubic feet. If the stack contains good timothy hay thoroughly settled, then  $1000 \div 350 = 2$  6-7 tons.

SEC. 161. *Government survey.*—The system of the United States government surveys is a very superior one. A short description of it will be given here; it is as follows: A line is established running east and west; this is called a base line, then every six miles north and south of this line are other lines established, running east and west or parallel with the base line, these are the township lines; for measuring east and west, lines are established running north and south called principal meridians and every six miles east and west from the principal meridians are other lines established running north and south; these are the range lines; the township lines and the range lines are six miles apart, and the land bounded by these lines is called congressional township and is six miles square and contains 36 sections. The townships are numbered north and south from the base line; the first township north of the

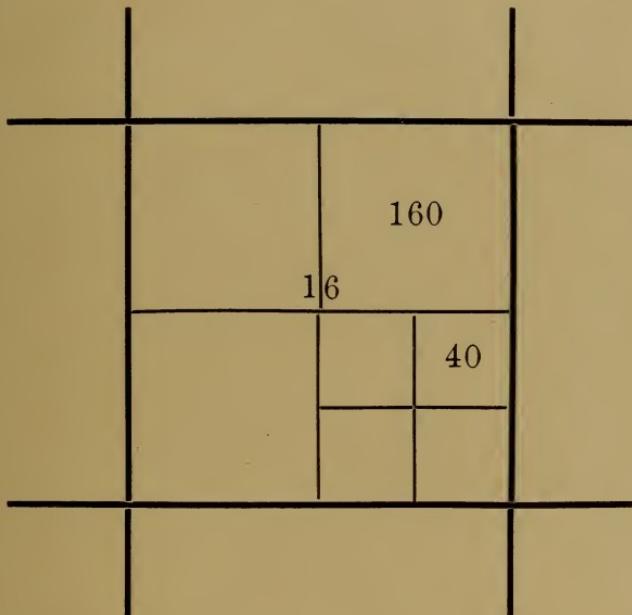
base line is township No. 1 north, the second is township No. 2 north, and so on; the first township south of the base line is township No. 1 south; the second is township No. 2 south, and so on.

Ranges are numbered east and west from the principal meridians; the first range west of principal meridian is range No. 1 west; the second range west, is range No. 2 west, and so on. The first range east of principal meridian is range No. 1 east; the second range east is range No. 2 east, and so on. A township is located by the number of range and township.

A township is divided into 36 parts, each part is called a section which is one mile square; each section is numbered, the numbering is begun in the northeast corner section of the township and numbered west, then the next tier (row) of sections south is numbered east and so on the numbering is continued west and east, ending with section No. 36 which is in the southeast corner of the township. A section contains 640 acres; the section is usually divided into four parts called quarter sections, each part containing 160 acres, and each quarter section may again be divided, and if so it usually is divided into halves or quarters; if into halves each contains 80; if into quarters each part will contain 40 acres. Sometimes a tract of land is located by metes and bounds; that is, beginning at a certain point and measuring a certain distance to another point, and so on till the land is bounded. The following will illustrate the system of surveying in Missouri:

TOWNSHIP No. 2, NORTH						PRINCIPAL MERIDIAN	
TOWNSHIP No. 1, NORTH	6	5	4	3	2	1	
	7	8	9	10	11	12	
	18	17	16	15	14	13	
	19	20	21	22	23	24	
	30	29	28	27	26	25	
	31	32	33	34	35	36	
BASE LINE	RANGE No. 1, WEST						RANGE No. 1, EAST
RANGE No. 2, WEST							

To illustrate further section No. 16 will be divided:



Now to locate the 40 acres which are numbered in the illustration would be as follows: The northeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of section No. 16, township No. 1 north, range No. 1 west.

## CHAPTER XX.

## SPECIAL ROAD DISTRICT.

SEC. 162. (Chapter 151; Article 10). The following section refers to roads in districts called special road districts: Any territory not larger than six miles square in which is a city of the third class, that is, a city having 3,000 or more inhabitants and less than 30,000, and which city is not organized under a special charter, such territory may be organized into a special road district; the roads in this district are in charge of a board of three road commissioners. The board serves without pay. They are to keep the roads in good repair and erect bridges. They are to erect all bridges that do not cost more than \$100. All bridges or repairing of bridges costing more than \$100 are to be built or repaired by the county. All male inhabitants of the district over 21 and under 60 years old are to pay a poll tax of \$2.50. The board may plant, cultivate, and protect ornamental and shade trees, and erect sign boards.

## CHAPTER XXI.

## MUNICIPAL TOWNSHIP FOR ROAD PURPOSE.

SEC. 163. (Chapter 151; Article 3). Each municipal township in counties where there is no township organization, may organize into a road district for road purpose only. The roads of the district are in charge of a board of three commissioners, and one commissioner is chosen supervisor of the roads. All bridges in the township costing less than \$100 are to be

erected by the township and those costing \$100 or more are to be erected by the county. All road tax levied on property in the township is to be paid in money. The commissioners are to receive no pay for their services except the supervisor, who is to receive \$2.00 per day for each day he is actually employed.



# INDEX.

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The numbers used in the index refer to sections in the book.

SECTION.

Agent to rent land.....	158
Aliens .....	1
Animals, branded .....	130
Animals, dead to be removed.....	8, 91A
Animals, diseased not to run at large.....	10
Animals, registering .....	11
Animals, not to run at large.....	12
Animals, driven along road.....	17
Animals, kept from running at large.....	18
Animals, restrained in certain townships.....	19
Animals, deformed not to run at large.....	24
Animals, diseased, how disposed of.....	35
Animals, held for costs.....	36
Animal, may be killed.....	37
Animals, mischievous .....	46
Animals, killed or wounded.....	65
Animals, cruelly injured .....	66
Animals, put in well, stream or road.....	74
Animals, mistreated .....	79
Animals, injuring .....	102
Animals, stray, posted.....	150; 152
Animals, stray, taken up.....	151
Animal, stray, claimed .....	153, 155

Animal, stray, used .....	154
Animal, taken up, fee .....	156
Appraisers .....	13, 39
Arrest, without warrant .....	56
Attachment for rent, when .....	123
Betting on election .....	73
Boars, castrated .....	7
Bond given .....	38
Brand or mark changed .....	52
Branding animals .....	130
Brand disputed .....	131
Brand to be used, only one .....	132
Brand, penalty for using .....	133
Brand, penalty for changing .....	134
Brand, penalty for mismarking .....	135
Brand, what not a lawful one .....	136
Bridges .....	26, 27, 28, 143, 149, 162, 163
Bridges, destroyed .....	57
Bulls, castrated .....	7
Bushel, weight of .....	157
Carrying deadly weapons .....	48
Cattle, diseased, not to run at large .....	30
Cattle, diseased, confined .....	34
Cattle, may be sold .....	41
Cattle, poisoning .....	64
Cattle, driven away .....	91
Cattle, herding .....	, 29
Checkes, stamped .....	158
Church building injured .....	62
Contagious diseased animals .....	9
Contracts and promises .....	43

	SECTION.
Costs agreed on.....	40
Corn, to measure .....	159
Crop to stand good for the rent.....	122
Damages assessed .....	13
Damages from Southern cattle.....	32, 33
Dams destroyed .....	57
Dead animals removed.....	8
Deeds stamped .....	158
Destroying bridges, dams .....	57
Destroying land-mark .....	58
Destroying mile-post .....	59
Diseased animals not to run at large.....	9, 30
Diseased cattle .....	30, 32
Diseased horses running at large.....	86
Diseased sheep .....	88
Disturbing the peace .....	68
Disturbing religious meeting .....	69
Division fence .....	103
Division fence kept in repair.....	107
Division fence moved .....	108
Dogs .....	90
Employer interfered with.....	67
Engines meeting vehicles .....	27, 28
Engines moved on road.....	26, 28
Fees, by whom paid .....	15
Fees, for viewers .....	106
Fence not necessary, lawful.....	16
Fences .....	97
Fences sufficient .....	98, 99
Fence division .....	103

	SECTION.
Fence, value disagreed on.....	104
Fence, division for repair.....	105
Fence, division kept in repair.....	107
Fence, division moved .....	108
Fraud in registering animals.....	11
Fruit destroyed .....	55
Game and fish protected.....	82
Grain to measure.....	159
Grand larceny .....	50
Guide-boards .....	143, 149, 162
Guide-board injured, destroyed.....	59, 148
Hay, to measure.....	160
Hedge protected .....	109, 110
Hedge, to be trimmed.....	113
Hedge trimmed by road overseer.....	115
Herding cattle .....	29
Hogs not to run at large.....	20
Hogs taken up .....	22, 23
Holidays .....	25
Horse, diseased, running at large.....	86
Horses running on road.....	71
Hunting on another's land.....	81
Injuring buildings .....	62
Injuring property .....	54
Interest on interest .....	129
Interest rate .....	127
Joint debt .....	44
Land located .....	160
Land-mark destroyed .....	58
Land-owner may take possession, when.....	125

	SECTION.
Larceny .....	50, 51
Lease, stamped .....	158
Legal tender .....	126
Liquor sold near meeting.....	70
Malicious mischief .....	53
Material taken for road.....	143
Measuring corn .....	159
Measuring grain .....	159
Measuring hay .....	160
Meeting engines .....	27, 28
Meeting vehicles on road.....	147
Mile-post destroyed .....	59
Mistreating animals .....	79
Mortgage stamped .....	158
Non-resident not to kill game.....	84
Notes stamped.....	158
Notice to leave rented place.....	119
Oath taken by appraisers.....	14
Partition of personal property.....	137
Personal property divided.....	137
Percent, eight .....	128
Poison in food or drink.....	47
Poisoning cattle .....	64
Poll tax .....	143, 149, 162
Poisoning wells .....	75
Poisoning fish .....	85
Property exempt from execution .....	92, 93
Property may be selected.....	94
Property taken for tax.....	95
Property, injuring .....	54

Quail and prairie chicken netted.....	83
Rams not to run at large.....	6
Rams castrated .....	7
Registering animals .....	11
Remonstance .....	141, 149
Renter to leave, when.....	116, 119
Renter liable when time expires.....	117
Renter not to assign.....	118
Renter for less than one year.....	120
Renter need not be notified, when.....	121
Rent attachment for, when .....	123
Renter re-rents to another.....	124
Revenue stamps .....	158
Roads, width of .....	138
Roads to be cleared.....	139
Road, application for .....	140
Road caves in .....	142
Roads, working of .....	149, 143
Road commissioners .....	143
Roads, municipal township.....	163
Roads, special district .....	162
Road changed .....	144, 149
Road vacated .....	145
Road obstructed .....	146
Road, meeting vehicles on.....	147
Roads in counties having township organization.....	149
Road overseers .....	149
Road to be opened.....	149
Running horses on road.....	71
Sabbath breaking .....	77
Saltpetre works fenced.....	111

School building injured .....	62
Servant may take any property for wages.....	96
Sheep not to run at large.....	20
Sheep taken up .....	22, 23
Sheep diseased .....	88
Slaughter houses .....	76
Southern cattle .....	31, 32
Stallion and unaltered mule.....	3, 4, 5
Stamp canceled .....	158
Stamps, revenue .....	158
Stamps not applied, penalty.....	158
Stock with disease.....	9
Stock taken up .....	100
Stock killed, duty of person.....	136
Stray animal posted .....	150
Stray animal taken up.....	151, 152
Stray animal claimed .....	153, 155
Stray animal used .....	154
Sunday working .....	78
Surveying system .....	160
Texas cattle with fever.....	87
Timber, cutting or destroying .....	60, 61
Township board .....	149
Trapping .....	80
Trees destroyed .....	55
Trees protected .....	143, 162
Trimming hedges.....	113, 114
Viewers appointed .....	101
Vote by joining townships.....	21
Weapons .....	48
Weapons may be carried, by whom.....	49

	SECTION.
Weight of bushel.....	159
Wells, streams, poisoned .....	75
Woman married to alien.....	2
Woods set on fire.....	63, 89
Written contracts .....	45















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